

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS**

JONATHAN VILLAREAL, individually §
and derivatively on behalf of §
ZROBLACK, LLC. §
Plaintiffs, §
v. §

CIVIL ACTION NO. 5:20-cv-00571-OLG

JOHN SAENZ, MIGUEL §
VILLARREAL, JR., and GUNN, LEE, §
& CAVE, P.C. §
Defendants §

**PLAINTIFF’S UNOPPOSED MOTION FOR LEAVE TO FILE PLAINTIFF’S
REDACTED VERSIONS OF THEIR FIRST AMENDED VERIFIED COMPLAINT,
FIRST AMENDED APPLICATION FOR SEIZURE, TEMPORARY RESTRAINING
ORDER, PRELIMINARY INJUNCTION AND PERMANENT INJUNCTIVE RELIEF
AND EXHIBITS INTO THE PUBLIC RECORD**

Plaintiff JONATHAN VILLAREAL, individually and derivatively on behalf of ZROBLACK, LLC, (collectively the “Plaintiffs”), by and through their undersigned counsel, file this Plaintiffs’ Motion for Leave to File Redacted Versions of Plaintiff’s First Amended Verified Complaint, First Amended Application for Seizure, Temporary Restraining Order, Preliminary Injunction and Permanent Injunctive Relief, and Exhibits attached thereto into the Public Record pursuant this Court’s order of October 15 and/or this Court’s order of November 30 and would respectfully show the Court as follows:

I. RELIEF REQUESTED

1. Plaintiffs seek an order that allows them to file redacted versions of Plaintiff’s First Amended Verified Complaint, First Amended Application for Seizure, Temporary Restraining Order, Preliminary Injunction and Permanent Injunctive Relief, and Exhibits attached thereto into the Public Record.

II. BACKGROUND

2. Plaintiff Jonathan Villareal is the current owner and control person of Zroblack, LLC a company that specializes in mobile device software.

3. Defendant John Saenz is the former CEO of Plaintiff Zroblack, LLC.

4. Defendant Miguel Villareal, Jr. is an attorney with Defendant Gunn, Lee, & Cave, P.C.

5. Defendant Gunn, Lee, & Cave, P.C. was corporate counsel for Plaintiff Zroblack, LLC.

6. On or about May 8, 2020, Plaintiffs filed its Original Verified Complaint (**Doc #1**) alleging violations of the Defend Trade Secrets Act of 2016, Texas Uniform Trade Secrets Act, Computer Fraud and Abuse Act, Anticybersquatting Consumer Protection Act, Breach of Contract, Breach of Fiduciary Duty, Negligence, Tortious Interference with Prospective Relations, Conversion, and violations of the Texas Theft Liability Act.

7. On or about May 8, 2020, Plaintiffs filed its Application for Seizure, Temporary Restraining Order, Preliminary Injunction, and Permanent Injunctive Relief requesting that Defendant Saenz return a laptop belonging to Zroblack, LLC that contains its trade secrets and release the domain for Zroblack's website and email servers.

8. On or about October 15, 2020 this Court issued an order allowing Plaintiffs to file an amended complaint and request for injunctive relief within thirty (30) days of the Order. The Order also stated that the parties must separately file a redacted version of the documents for the public record.

9. On or about November 17, 2020, Plaintiff filed its Motion for Leave to File Sealed document and included therein was Plaintiffs' First Amended Verified Complaint and First

Amended Application for Seizure, Temporary Restraining Order, Preliminary Injunction, and Permanent Injunctive Relief.

10. On or about November 30, 2020 this Court ordered Plaintiffs either: (1) re-file on the public docket the exact same previously filed amended complaint and request for injunctive relief, or (2) re-file these same matters with appropriate motions for leave to seal.

11. Plaintiffs followed the order of November 30 in good faith and filed its pleadings under seal with a motion for leave.

12. Plaintiffs believe the specific November 30 Order controlled over the more general October 15 Order. Defense counsel, however, believes that the Order of October 15 is a general order requiring sealed documents to have redacted versions filed as long as the case continues.

13. If Defendants are correct in that the Order of October 15 also required filing redacted documents into the public record, Plaintiffs' misreading is understandable and, therefore, good cause for a late filing of redacted documents into the public record exists.

14. Specifically, the Plaintiffs request that Exhibits 2 through 27, 29-33, and 35-41 with existing redactions, can be filed into the public record. These exhibits were filed with the Original Complaint and Application.

15. The Plaintiffs request that the Exhibit 28 should remain under seal because it contains sensitive data regarding the vulnerability of devices used to collect government data and also because Plaintiff Jonathan Villareal is subject to an NDA for the work he performed set out in Exhibit 28.

16. The Plaintiffs request that the Exhibit 34 needs to be sealed because it contains references to high-level governmental individuals that should not be implicated in this suit due to security reasons involving the work of ZroBlack and Jonathan Villareal.

III. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request this Court grant Plaintiffs' Motion for Leave to File Redacted Versions of Plaintiff's First Amended Verified Complaint, First Amended Application for Seizure, Temporary Restraining Order, Preliminary Injunction and Permanent Injunctive Relief, and Exhibits attached thereto into the Public Record, and for all such other and further relief, in law or in equity, to which Plaintiff may show itself to be justly entitled.

Respectfully submitted,

THE VETHAN LAW FIRM, P.C.

By: /s/ Charles M.R. Vethan

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Attorneys for Plaintiffs

CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with opposing counsel regarding the subject matter of this motion. Counsel for John Saenz advised that, without waiving the objection to Plaintiff's filing these documents under seal, they were not opposed to the motion. Counsel for Defendants Miguel Villarreal and Gunn, Lee & Cave advised that they are not opposed.

/s/ Joseph L. Lanza
Joseph L. Lanza

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically filed with the Court on the 16th day of December 2020, and electronically served on the date reflected in the ECF system upon all parties registered to receive notice pursuant to the Court's CM/ECF system.

/s/ Charles M.R. Vethan
Charles M.R. Vethan